

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN GERARD MITCHELL,

Defendant.

CR-07-12-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on December 8, 2021. (Doc. 106.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on December 7, 2021. (Doc. 101.) The United States accused Mitchell of violating his conditions of supervised release by using methamphetamine. (Doc. 98.)

At the revocation hearing, Mitchell admitted that he had violated the conditions of his supervised by using methamphetamine. (Doc. 101.) Judge

Johnston found that the violation Mitchell admitted proved to be serious and warranted revocation, and recommended that Mitchell receive a custodial sentence of 12 months and 1 day, with no supervised release to follow. (Doc. 106.) Mitchell was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 101.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 106) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Kevin Gerard Mitchell be sentenced to the Bureau of Prisons for 12 months and 1 day, no supervised release to follow.

DATED this 3rd day of January, 2022.



Brian Morris, Chief District Judge
United States District Court